

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE BASU GROUP INC.,	:	
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	:	
Plaintiff,	:	Civil Action No. 16-cv-00461-PGG
	:	ECF CASE
v.	:	
	:	
SEVENTH AVENUE, INC.,	:	
	:	
Defendant.	:	
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RULE 56.1 APPENDIX
IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 5(C) of the Individual Rules of Practice of Judge Paul G. Gardephe, Civil Cases, this Appendix accompanies Plaintiff’s Rule 56.1 Statement in support of Plaintiff’s motion for summary judgment and contains all record authority cited in Plaintiff’s Rule 56.1 Statement.

- Exhibit A: Declaration of Michael R. Gilman in Support of Motion for Summary Judgment.
- Exhibit B: Declaration of Bhaskar Basu in Support of Motion for Summary Judgment.
- Exhibit C: Complaint filed in this Action in the United States District Court for the Southern District of New York on January 21, 2016, assigned Civil Case No. 1:16-cv-00461-PGG, and found at Doc 1 of the Court’s docket.
- Exhibit D: Affidavit of Service, effecting service of process on Defendant on March 7, 2016, and found at Doc 10 of the Court’s docket.

- Exhibit E: Defendant's Amended Answer and Counterclaims filed on February 17, 2017, and found at Doc 60 of the Court's docket.
- Exhibit F: U.S. Copyright Registration No. VA 1-652-678, asserted by Plaintiff against Defendant in this Action.
- Exhibit G: Front and back images of the bag sold by Defendant, titled "Hand-Painted Leather Peacock Bag", under Item No. #D7724955, and accused of infringing Plaintiff's copyright in this Action, and pages from Defendant's website and catalogs showing this bag for sale.
- Exhibit H: Complaint filed by Plaintiff in this Court against Defendant on July 19, 2012, assigned Civil Case No. 1:12-cv-05565-RJS-SN ("Prior Action") asserting, amongst other causes of action, copyright infringement of the same copyright rights asserted by Plaintiff in this Action.
- Exhibit I: Plaintiff's notice letter of December 9, 2015, emailed to Defendant's counsel in the above prior case, and who is Defendant's counsel in this Action.
- Exhibit J: Page 12 of the deposition transcript of the Rule 30(b)(6) deposition of Bhaskar Basu ("Basu Depo."), taken by Defendant's counsel on November 21, 2016.
- Exhibit K: Pages 15 and 50 of the Basu Depo.
- Exhibit L: Pages 45-46, 48 and 58-59 of the Basu Depo.
- Exhibit M: Paper Visual Arts (VA) application form and its instructions, available at least from the U.S. Copyright Office at <https://www.copyright.gov/forms/formva.pdf>.
- Exhibit N: Email correspondence between employees of Defendant, expressly noting Plaintiff and a known problem with Plaintiff's Peacock art.

- Exhibit O: Pages 39-40 of the Rule 30(b)(6) deposition transcript taken of Paula Ludwig (“Ludwig Depo.”), by Plaintiff’s counsel on November 18, 2016.
- Exhibit P: Page 11 of the Ludwig Depo.
- Exhibit Q: Page 30 of the Ludwig Depo.
- Exhibit R: Document entitled, “Biacchi Inc.’s Response to Plaintiff’s First Set of Interrogatories Nos. 1 to 7” in the Prior Action.
- Exhibit S: Pages 1-12 and 36 of the document entitled, “Defendant’s Seventh Avenues Response to Plaintiff’s First Set of Interrogatories and Document Requests.”
- Exhibit T: Pages of Defendant’s website, produced in this Action by Defendant, showing consumer items offered for sale by Defendant bearing Peacock art.
- Exhibit U: Third party Peacock art images produced by Defendant in the Prior Action.
- Exhibit V: Third party Peacock art images produced by Defendant in this Action.